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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,415	06/18/2001	Uwe Sydon	99 P 7358 US 01	3184

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Intellectual Property Department  
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[REDACTED] EXAMINER

CORRIELUS, JEAN B

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2631

DATE MAILED: 12/31/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.  
09/884,415

Applicant(s)

Sydon et al

Examiner

Jean B. Corrielus

Art Unit

2631



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jun 18, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 13 and 16-33 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 13 and 16-33 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirem

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b)disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some\* c) None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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**DETAILED ACTION**

**Examiner's comment**

1. In the caption portion of the specification, the serial number of this application is mistakenly typed as 09/444,028. To avoid delay in processing future communication, it is suggested to make appropriate correction.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13 and 16-33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 13, lines 11-13, recites the second power level less than the first power level, when the line quality for the initial signal is superior to a predetermined threshold and the communication strength is greater than a specified range, however, the specification as filed does not provide support for such limitation as claimed. The specification teaches at best at page 17, lines 14-26 the second power level at branch (332) less than the first power level, when the line quality for the initial signal in decision element 304 is **inferior** to a predetermined threshold (slow hop threshold) and the communication strength (RSSI) in decision

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box 330 is greater than a specified range (desired range). The same comment applies equally to claims 26 and 31, respectively.

As per claim 19, recites the first component is requested to transmit at maximum power when the line quality is inferior to the predetermined threshold and the first power level is non maximum, however, the specification as filed does not provide support for such limitations as claimed. The specification teaches at best at page 16, lines 17-21, the first component is requested to transmit at maximum power when the line quality for the initial signal in decision element 304 is **superior** to the predetermined threshold (slow hop threshold) and the first power in non maximum in decision 306. The same comment applies to claims 21 and 32, respectively.

Note that each dependent claim is likewise rejected for being dependent on rejected base claim.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lundby et al US patent No. 6,249,683.

Lundby et al discloses a method having the steps of: providing communication between a first and second component see fig. 1B and fig. 2A and col. 9, lines 34-36; receiving an initial signal from the first component at the second component see col. 9, lines 48-52; determining a plurality of successive line quality indicators for the initial signal at the second component see col. 10, line 1-2; determining a line quality for the initial signal at the second component by summing consecutive line quality indicators over a predetermined period of time see col. 10, lines 4-8; transmitting from the second component to the first component a request for the first component to transmit a subsequent signal at a second power level based on the line quality see col. 10, line 8 and col. 9, lines 62-66.

As per claims 29 and 30, the first component is either a base unit or a mobile unit and the second component is either a base unit or a mobile unit see the figures.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilhousen et al, US Patent No. 5,257,283, discloses a power control system having means 80 for transmitting a power signal, means 60 for receiving and measuring the power of the received signal; and means 52 for transmitting a power control adjustment to transmitting station.

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Gilhousen et al, US Patent Nos. 5,485,486 and 5,265,119 discloses a power control system having means 80 for transmitting a power signal, means 60 for receiving and measuring the power of the received signal; and means 52 for transmitting a power control adjustment to transmitting station.

Wheatley, III, US Patent No. 5,267,262, discloses a power control system having means 80 for transmitting a power signal, means 60 for receiving and measuring the power of the received signal; and means 52 for transmitting a power control adjustment to transmitting station.

Gilhousen et al, US Patent No.5,812,938, disclose a method and apparatus having the steps of measuring the signal noise of a received signal comparing the measured result with predetermined threshold and instruct the transmitting station to change its power depending on the outcome see abstract.

Endo, US Patent No.5,943,610, disclose a method and apparatus having the steps of measuring the signal noise of a received signal comparing the measured result with predetermined threshold and instruct the transmitting station to change its power depending on the outcome see abstract.

Willenegger et al, US Patent No.5,933,781, disclose a method and apparatus having the steps of measuring the signal noise of a received signal comparing the measured result with predetermined threshold and instruct the transmitting station to change its power depending on the outcome see abstract.

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**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023. The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Om Corrielus*  
JEAN CORRIELUS  
PATENT EXAMINER  
December 19, 2001